

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ELIJAH MILLER,

Plaintiff,

v.

CDCR, et al.,

Defendants.

No. 2: 22-cv-2249 KJN P

ORDER & FINDINGS &
RECOMMENDATIONS

By order filed January 20, 2023, plaintiff's complaint was dismissed and thirty days leave to file an amended complaint was granted. Thirty days from that date have passed, and plaintiff has not filed an amended complaint.¹

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court shall appoint a district judge to this action; and

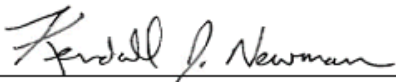
IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections

¹ On January 27, 2023, plaintiff filed the Notice of Amendment form. (ECF No. 8.) Plaintiff did not file an amended complaint with the Notice of Amendment form.

1 with the court and serve a copy on all parties. Such a document should be captioned
2 “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that
3 failure to file objections within the specified time may waive the right to appeal the District
4 Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

5 Dated: March 3, 2023

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8 KENDALL J. NEWMAN
9 UNITED STATES MAGISTRATE JUDGE

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